

Excerpts
Planning Commission Minutes
April 12, 2006

Application No. UP-687-05, Ralph L. English, Sr.: Request for a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 19), to authorize an automobile junkyard on approximately 12.49 acres of land located at 2321 Wolf Trap Road (Route 630) approximately 570' north of the intersection of Wolf Trap Road and Goodwin Neck Road (Route 173) and further described as Assessor's Parcel Nos. 24-259 and 24-258. The property is zoned IG (General Industrial) and is designated General Industrial in the Comprehensive Plan.

Timothy C. Cross, AICP, Principal Planner, presented a summary of the staff reported dated March 30, 2006, in which the staff recommended approval.

Mr. Barba inquired what effects the proposed deed restriction would have. **Mr. Cross** explained that the deed restriction would require the applicant, within six months of obtaining a Certificate of Occupancy for the new site, to remove all vehicles from the Route 17 location and discontinue junkyard use at that site. It is anticipated the present site would be cleaned up during that six-month period, he added.

Mr. Barba asked what the future use envisioned for the Route 17 property and **Mr. Cross** said the applicant could address the question.

Mr. Hamilton wondered what environmental impact the petroleum, oils and lubricants could have on the present site. **Mr. Cross** noted the County Code requires that all automobiles be drained of fluids before being placed at an auto junkyard and requires the owner to submit a hazardous waste management plan for any automobile-related use. There are other requirements, according to Mr. Cross, related to natural resources and impact on wetlands.

Mr. Hamilton inquired about noise abatement requirements, and **Mr. Cross** explained the County Code's noise ordinance covers the entire County and added that he did not know that a junkyard operation generated a lot of noise.

Mr. Staton asked if any study was done to determine the presence of hazardous wastes on the site and if there was a timetable for turning it over to some other use.

Mr. Ptasznik recommended revising proposed Condition No. 4, requiring a 6-foot wooden privacy fence, to require an 8-foot fence.

Ms. Conner expressed concern about possible impact on traffic while transporting so many vehicles over a six-month period, particularly the impact on Goodwin Neck Road. **Mr. Cross** suggested the applicant was better able to address her concerns.

Responding to a question by **Mr. Ptasznik** about when the move might occur, if approved, **Mr. Cross** explained that the applicant would have obtained site plan approval and recorded the deed restriction before the six-month window for the move takes effect.

Chair Ptasznik opened the public hearing.

Mr. Paul W. Garman, 109 Chisman Point Road, Seaford, represented the applicant. He noted the applicant was satisfied with the proposed conditions and would meet all conditions required by the County Code. He believed the site plan work would take a long time before it would be submitted to the County for review. There are 2,500 cars on the present site; probably only half that number will be moved and the others will be crushed and sold, he said. The applicant will do the transporting, moving two to four cars at a time on a flatbed, totaling an estimated 400 trips to the new site, Mr. Garman said.

Mr. Barba asked if the applicant expects to run two simultaneous operations. **Mr. Garman** noted the applicant wants to begin the move as soon as he obtains a Certificate of Occupancy from the County but he could not operate on Wolf Trap Road immediately; there will be some overlap because of staff limitations and other logistics.

Mr. Abel asked if car-crushing equipment is located and in use at the present site on Route 17 and if there would be the same situation on Wolf Trap Road. He said neighbors of the Wolf Trap Road site might be concerned about noise. **Mr. Garman** said it is important to note it would be a daytime activity in an industrial zone, but added that cars are not crushed until their salvage value is low. Mr. Abel asked if fulltime, permanent car-crushing equipment would be used on the new site, and **Mr. Garman** said that the car-crushing equipment is not in operation fulltime on the present site.

Mr. Staton asked **Mr. Garman** if the applicant had determined how to clean up his present business site. **Mr. Garman** responded that the applicant is required to clean up any material on the ground but nothing under the ground. The buyer of the property would probably be required to conduct Phase 1 and Phase 2 environmental impact studies, he added. The time it would take to clean up would depend upon what was found during those studies. He added that ground-fill cleanup is not as complicated as it was before the requirement was enacted to remove all lubricants from vehicles before placing them at the site.

Mr. Davis asked if Mr. English was in agreement with all of the proposed conditions. **Mr. Garman** said the applicant was agreeable to all of the conditions of the proposed resolution as well as all of the conditions of the County Code for establishing the new facility.

Mr. Garman added that he believed a six-foot-high fence around the storage area, as recommended by staff, would be adequate on that particular property. **Mr. Ptasznik** noted he was still concerned about the view, particularly from a second story.

Ms. Conner asked how long the present site has been used as an automobile storage yard.

Mr. Ralph L. English, 612 Wildey Road, Seaford, replied that it had been an operating junkyard for perhaps 20 or 30 years before he acquired it 37 years ago.

Mr. Greg Horner, 313 Hornsbyville Road, said he has lived approximately one mile from the proposed junkyard site for just over a year. He was concerned about the appearance of the proposed operation and its possible threat to the safety and scenic view of the many cyclists and motorists on Wolf Trap Road. The speed limit is 45 MPH, he said, and a vehicle waiting to turn in to the site might

impede or back up traffic; he wondered if consideration had been given to installing a turning lane. He asked what kind of standard would be set for future industrial development by allowing a junkyard in the area. He mentioned the impending extension of Fort Eustis Boulevard and need to maintain a scenic buffer of trees so people could enjoy a scenic route. Mr. Horner hoped the industrial development of the site is done “in a good way...with a lot of pre-planning.”

J. M. Poitras, M.D., 110 Janis Drive, as an adjacent property owner was concerned about “transporting one eyesore from one neighborhood to another, in fact, my neighborhood.” He stated that 28 acres of his property are wetlands and have about three streams across the property. He was not opposed to industrial development and likes junkyards, he said, but not in his neighborhood. The operation is an eyesore on Route 17 and whether or not it “has to be,” Dr. Poitras anticipated it might also become an eyesore in his neighborhood. People who live nearby as well as Seaford residents travel Wolf Trap Road, he said.

Mr. Bobby Dean, 3608 Seaford Road, owner of two parcels adjacent to the proposed junkyard site, was opposed to the application. He mentioned the wetlands as a consideration. He is in preliminary stages of future development of his parcels for shell buildings and commercial use, and is worried about the noise, view, and overall aesthetics resulting from the junkyard and did not want to have one nearby.

There were no others to speak, and **Mr. Ptasznik** closed the public hearing.

Mr. Barba expressed appreciation to the citizens who spoke of their particular concerns. The County conducts studies before final approvals, including stormwater drainage and wetlands analyses, to ensure the proposed use is suitable for the property. Mr. English has been a good citizen of York County and a local businessman for over 30 years, he observed, and Mr. Barba believed the proposed site to be a good fit for his operation. Mr. Barba expressed greater concern about the likelihood of two junkyards operating at the same time.

Mr. Abel pointed out the land is zoned for industrial use and the proposal is for a legal industrial use. To the extent property owners are near industrial-zoned land indicates they have made a decision to live there. On the other hand, Route 17 is the main thoroughfare for York County. The Route 17 beautification study concluded that Route 17, as the gateway to Yorktown, was in need of aesthetic improvements. While there are several automobile salvage yards on Route 17, Mr. Abel said he was pleased about the opportunity to resolve part of the Route 17 challenge by removing this business to an area that is properly zoned and is an appropriate distance from residential neighborhoods. He was in favor of the condition that another salvage yard would not be permitted on the Route 17 site. He was mindful of the neighbors, but agreed that the applicant had been a good citizen and neighbor for a long time and should be permitted to move to what is for him an attractive alternative that fits very nicely into the County’s long-range plan for this section of the County.

Mr. Hamilton agreed, and pointed out the vegetative and fence buffers that would be in place. He would consider requiring an eight-foot fence if the Commission agreed it would be an improvement.

Mr. Davis supported approval and was confident the wetlands studies would determine if the property was suitable from that perspective.

Mr. Ptasznik agreed with the others. He did not agree that wetlands were an issue for the Commission because appropriate studies would have to be undertaken before final approval. The use would be a good fit on the property. He pointed out other permitted uses – for which no Special Use Permit was required – included a tank farm with highly combustible petroleum and seafood processing. He supported amending the proposed resolution to increase the fence height to eight feet.

Mr. Hamilton moved to adopt Resolution PC06-8(R) revising Condition No. 4 to require an eight-foot-high fence. It was approved unanimously.

Resolution No. PC06-8(R)

On motion of Mr. Hamilton, which carried 7:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO
AUTHORIZE AN AUTOMOBILE GRAVEYARD/JUNKYARD AT 2321 WOLF
TRAP ROAD (ROUTE 630)

WHEREAS, Ralph L. English, Sr. has submitted Application No. UP-687-05 to request a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 19), to authorize an automobile graveyard/junkyard on approximately 12.49 acres of land located at 2321 Wolf Trap Road (Route 630) approximately 2,350' north of the intersection of Wolf Trap Road and Goodwin Neck Road (Route 173) and further described as Assessor's Parcel Nos. 24-259 (GPIN# R08b-4924-4060) and 24-258 (GPIN# S08a-0061-3407); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of April, 2006, that Application No. UP-687-05 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize an automobile graveyard/junkyard on approximately 12.49 acres of land located at 2321 Wolf Trap Road (Route 630) approximately 2,350' north of the intersection of Wolf Trap Road and Goodwin Neck Road (Route 173) and further described as Assessor's Parcel Nos. 24-259 (GPIN# R08b-4924-4060) and 24-258 (GPIN# S08a-0061-3407), subject to the following conditions:

1. This Special Use Permit shall authorize an automobile graveyard/junkyard on approximately 12.49 acres of land located at 2321 Wolf Trap Road (Route 630) approximately 2,350' north of the intersection of Wolf Trap Road and Goodwin Neck Road (Route 173) and further described as Assessor's Parcel Nos. 24-259 (GPIN# R08b-4924-4060) and 24-258 (GPIN# S08a-0061-3407).

2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land clearing or development activities on the subject property.
3. Said site plan shall be in substantial conformance with the concept plan titled "Future English Motors" and dated February 6, 2006, except as modified herein.
4. A wooden privacy fence no less than eight feet (8') in height, and with the finished side facing abutting properties, shall be constructed along the perimeter of all storage areas to fully shield such areas from view from adjacent properties and Wolf Trap Road. Said fence shall be set back a minimum of twenty feet (20') from the perimeter property lines and the 20' wide strip shall be landscaped in accordance with the requirements of the Zoning Ordinance.
5. The driveway and all off-street customer and employee parking areas shall be constructed of asphalt, concrete, or any equivalent permanent dustless paving material. The entrance drive shall be so paved for a minimum distance of 100 feet beyond the paved surface of Wolf Trap Road.
6. The automobile graveyard/junkyard shall be constructed and operated in conformance with the provisions contained in Sections 24.1-475, Standards for all motor vehicle and transportation related uses, and 24.1-476, Standards for automobile graveyard, junkyard, of the York County Zoning Ordinance and Chapter 5, Automobile Graveyards and Junkyards, of the York County Code.
7. Prior to the commencement of any land disturbance or construction activity on the property, the developer shall submit a Natural Resources Inventory, including a Perennial Stream Determination, in accordance with Section 23.2-6 of the County Code. If any stream is determined to be perennial, then a 100-foot Resource Protection Area (RPA) buffer shall be maintained landward of the stream and any adjacent wetlands.
8. Prior to the issuance of a Land Disturbing Permit for an automobile graveyard/junkyard on the above-referenced property and prior to the lease, sale, or other conveyance of any of the properties listed below, the applicant shall prepare and record with the Clerk of the Circuit Court, at his expense, a deed restriction on the properties described below stipulating that:
 - a) all junkyard/automobile graveyard activities shall be discontinued and all junk shall be removed from said properties within six months following the issuance of a Certificate of Occupancy for the Wolf Trap Road facility, provided, however, that the Board of Supervisors may by resolution extend this period by up to six months upon receipt of a written request from the applicant, said request to be processed as a minor modification of this Special Use Permit in accordance with the provisions set forth in Section 24.1-115(d)(2) of the Zoning Ordinance; and

- b) none of the below listed properties shall be used after said six-month period for the establishment, operation, or maintenance of an automobile graveyard or junkyard, absent express authorization from the York County Board of Supervisors.

The restriction shall be in the form of a restrictive covenant running with the land, enforceable by the County, and shall be approved as to form by the County Attorney. The restriction shall cover the properties listed below:

- 2312 George Washington Memorial Highway (Assessor's Parcel No. 37-36, GPIN# S03d-3958-2150)
- 2314 George Washington Memorial Highway (Assessor's Parcel No. 37-37, GPIN# S03d-4316-2302)
- 2316A George Washington Memorial Highway (Assessor's Parcel No. 37F-2-1A, GPIN# S03b-4317-2657)
- 2318 George Washington Memorial Highway (Assessor's Parcel No. 37-35, GPIN# S03d-4290-1932)

For the purposes of enforcement of this condition, operation or maintenance of an automobile graveyard or a junkyard, as defined in the York County Zoning Ordinance, on any of the above-named parcels (unless expressly authorized by the Board of Supervisors), either individually or collectively, shall be reason for the County seeking to enforce the covenant.

9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable, and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.
